

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:04-CR-211-1-BO

UNITED STATES OF AMERICA)	<u>GOVERNMENT'S PROPOSED</u>
)	<u>QUESTIONS FOR VOIR DIRE</u>
v.)	
)	
DAVID A. PASSARO)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure and Local Rules 6.02 and 49.00, respectfully requests that this Court include in its examination of prospective jurors the customary questions listed below:

1. Occupation and addresses of jurors.
2. Education.
3. Marital status and number of children.
4. Spouse's occupation, if applicable.
5. Adult children's occupation, if applicable.
6. Church affiliation.
7. Juror's knowledge of the case in which they may sit as jurors.
8. Relationship to or acquaintance with the defendant, his attorney, the attorney for the Government, and prospective witnesses for either party.

In addition to these customary questions, the United States also requests that the following questions be asked:

1. Are you related to, a friend of, acquainted with, or employed by anyone in any County, State, Federal, or local law enforcement agency? (If so, please conduct further inquiry,)
 - a. Would your relationship with this individual in any way influence your consideration of this case so that you could not judge fairly and impartially the evidence presented to you?
2. Has any juror, relative or close friend of any juror ever been the subject of an investigation or a prosecution by any agency of the United States Government, or state or local law enforcement agency? (If so, please conduct further inquiry.)
 - a. If so, was there anything about the experience that might prejudice you for or against a party in this case?
3. Has any juror, relative or close friend of any juror, ever been convicted of any felony offense in either state or federal court? (If so, please conduct further inquiry.)
 - a. If so, was there anything about the experience that might prejudice you for or against a party in this case?
4. Have any juror, a relative, a close friend, or a company or organization for which you work or with which you are associated, ever had what they considered to be an unsatisfactory relationship with the United States Department of Justice, United States Attorney's Office, the Department of Defense, Department of the Army, Federal Bureau of Investigation, United States Central Intelligence Agency, or any other Federal, State, or local law enforcement agency? (If so, please conduct further inquiry.)
 - a. If so, was there anything about the experience that might prejudice you for or against a party in this case?

5. Has any juror ever been involved in a civil court proceeding, either as a witness or as a party? (If so, please explain your involvement.)
6. Has any juror had any dealings with the United States Army? (If so, please inquire further.)
 - a. If so, was there anything about the experience that might prejudice you for or against a party in this case?
7. Has any juror served in the U.S. Armed Forces?
 - a. If so, what branch?
 - b. For how long?
 - c. What was your rank?
 - d. Did you ever serve in combat?
 - e. Have you ever served or been the subject of a courts martial? In what capacity?
 - f. Were you discharged under honorable conditions?
8. Does any juror have a family member presently serving in the U.S. Armed Forces?
 - a. What branch?
 - b. For how long?
9. This case involves application of United States criminal laws in connection with United States intelligence operations. Do you have such strong personal opinions about government prosecution of individuals involved in intelligence operations - either for or against - that they may prevent you from fairly and objectively listening to and evaluating the evidence in this case?
10. Does anyone believe that any particular criminal law in the United States should not be enforced?
 - a. If so, which laws and why not?
 - b. Could you set that opinion aside, and be a fair and impartial juror in this case?
11. Does anyone think that the government has gone overboard in prosecuting detainee abuse cases or has not gone far enough in prosecuting such cases?

12. Has anyone read anything about this case or heard anything about it through the media?
 - a. If so, what have you heard or read?
 - b. Can you set aside what you have heard or read, and be a fair and impartial juror?
13. Without inquiring into any juror's particular religious beliefs, does any juror have a religious belief or moral philosophy that would prevent him or her from rendering a verdict in this case, either guilty or not guilty, and which is not based on the evidence and the Court's instructions on the law?
14. If you are selected to sit as a juror on this case, would you be willing and able to render a verdict based solely on the facts and documents in evidence and the law as the Court will give to you in its instructions, disregarding any other ideas, suspicions, notions, or beliefs about the law that you may have?
15. Is there anything about this type of case that you feel may prevent you from rendering a fair and impartial verdict based solely on the evidence presented in this case and the Court's instructions as to the law?
16. Have any of you had a family member or close friend injured or killed in Iraq or Afghanistan?
 - a. If so, do you think that would affect your ability to be a fair and impartial juror?
17. Have any of you known someone who has had a family member or close friend injured or killed in Iraq or Afghanistan?
 - a. If so, do you think that would affect your ability to be a fair and impartial juror?
18. Would any of you be inclined to give more or less credit to a witness solely because he or she is an employee of the United States Central Intelligence Agency?
19. Has anyone worked for the Central Intelligence Agency, Defense Intelligence Agency or any other intelligence agency?
20. Would any of you be inclined to give more or less

credit to a witness solely because he or she is affiliated with the United States Central Intelligence Agency?

21. Would any of you be inclined to give more or less credit to a witness solely because he or she is affiliated with the United States Armed Services?
22. Do any of you have a strong belief either for or against U.S. military involvement in Afghanistan or Iraq?
 - a. If so, would that belief affect your ability to be a fair and impartial juror?
23. Will the nationality of the alleged victim of a crime influence you in applying the law the judge gives you when determining guilt or innocence?
24. If the Judge instructs you to, are you willing and able to apply United States criminal laws to acts committed overseas?
25. Does anyone believe that the fact that a person may be a suspect for committing a crime against U.S. personnel, make that person incapable of being a victim of crime?
26. Is anyone inclined to give more or less credibility to a witness simply because they are or not a U.S. citizen?
27. Do any of you believe that to convict an individual of assault with a dangerous weapon or assault with intent to cause serious bodily injury, the government must provide you with evidence from an autopsy of the body of the person assaulted?

Respectfully submitted, this 3rd day of August, 2006.

GEORGE E. B. HOLDING
United States Attorney

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BY: JAMES A. CANDELMO
Assistant United States Attorney
Criminal Division

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MICHAEL P. SULLIVAN
Special Assistant
United States Attorney

CERTIFICATE OF SERVICE

I certify that I have on this 3rd day of August, 2006,
served a copy of the foregoing GOVERNMENT'S PROPOSED QUESTIONS OF
VOIR DIRE upon counsel for defendant via Electronic Filing:

Joseph Gilbert
Assistant Federal Public Defender

//ss//

MICHAEL P. SULLIVAN
Special Assistant United States Attorney